Immunocept, LLC, et al v. Fulbright & Jaworski Doc. 39

FILED
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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _______ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IMMUNOCEPT, LLC, PATRICE ANNE LEE, AND JAMES REESE MATSON	§	
	§	
Plaintiffs,	§	
	§	
	§	
v.	§	**CAUSE NO. A050A334 SS**
	§	
FULBRIGHT & JAWORSKI, LLP,	§	
	§	
Defendant.	§	

DEFENDANT'S PRELIMINARY PROPOSED TRIAL EXHIBIT LIST

TO: Plaintiffs Immunocept, LLC, Patrice Anne Lee and James Reese Matson, by and through their counsel of record, Michael P. Lynn, Lynn Tillotson & Pinker, LLP, 750 N. St. Paul St., Suite 1400, Dallas, Texas 75201

Pursuant to the scheduling order entered by the court and the agreement of the parties, Defendant FULBRIGHT & JAWORSKI, LLP ("Defendant") serves its preliminary proposed trial exhibit list.

Defendant reserves the right to supplement or amend this list as discovery continues in this case.

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Respectfully submitted,

By: ____________________

David J. Beck
Texas Bar No. 00000070
Jeff Golub
Texas Bar No. 00793823
Geoff A. Gannaway
Texas Bar No. 24036617
1221 McKinney St., Suite 4500
Houston, Texas 77010-2010
Telephone: (713) 951-3700
Facsimile: (713) 951-3720

ATTORNEYS FOR DEFENDANT
FULBRIGHT & JAWORSKI, LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served as shown below on counsel of record on 6th day of February, 2006.

Via Facsimile and Certified Mail, Return-Receipt Certified
Michael P. Lynn, P.C.
Jeffrey M. Tillotson, P.C.
John D. Volney
Jeremy Fielding
Lynn Tillotson & Pinker, LLP
750 N. St. Paul St., Suite 1400
Dallas, Texas 75201

____
Geoff A. Gannaway

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
1	10/11/93	Delflache Ex. 3: F&J 01776 – F&J 01779	F&J Billing Records Summary for Sarah Brashears-Macatee for Pediatric Critical Care (10/11/93 – 07/16/96)
2	02/09/93	Delflache Ex. 4: F&J 01785 – F&J 01791:	F&J Billing Records Summary for all F&J time keepers for Pediatric Critical Care (with marginalia) (02/09/93 – 03/05/97)
3		Delflache Ex. 6: F&J 01380 – F&J 01386	F&J Billed and Unbilled Time & Fee Summary on Pediatric Critical Care
4	02/10/93	Delflache Ex. 7: F&J 00724 – F&J 00725	Letter to Benjamin Adler (F&J) from James Matson, M.D. & Patrice Lee, Ph.D. re preparation of patent applications re hemofiltration
5	08/20/93	Delflache Ex. 8: F&J 00435 – F&J 00437: F&J 00441 - F&J 00467	File re: Applicant Invention: D-5563 (Patrice Lee, James Matson, & Robert Pryor) with Background of the Invention re Hemofiltration of Mediator-Related Diseases
6	09/23/93	Delflache Ex. 9: F&J 00634 – F&J 00635	Letter to James Matson, M.D. from Benjamin Adler, Ph.D. re resignation from F&J and possible transfer of Patent File D-5563 to Fish & Richardson with attached transfer form
7	10/13/93	Delflache Ex. 10: F&J 00627	F&J Memorandum to Linda Bourg from Donna Bevill
8	03/31/94	Delflache Ex. 11: F&J 00414 – F&J 00419	Examiner's Office Action (John Kim) re Serial No. 08/109, 750 (Lee) Art Unit: 1306
9	04/19/94	Delflache Ex. 12: F&J 00535 – F&J 00537	Letter to James Matson, M.D. and Patrice Lee, Ph.D. from Sarah Brashears-Macatee cc: Ron Bliss re recent Office Action from USPTO re D-5563: Serial No. 08/109,750.
10	05/04/94	Delflache Ex. 13: F&J 00518 – F&J 00525	Letter to Sarah Brashears-Macatee from Patrice Lee re attached responses to the first Office Action to draft amended application re D-5563: Serial No. 08/109,750
11	07/06/94	Delflache Ex. 14: F&J 02667 – F&J 02709	Patent Application – Serial No. 08/271,136 re Hemofiltration of Mediator-Related Disease (continuation-in-part of US Patent Application Serial No. 08/109,750 filed 08/20/93 – now abandoned)

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
12	07/06/94	Delflache Ex. 15: F&J 02667 – F&J 02709	(Patent Application – Serial No. 08/271,136 re Hemofiltration of Mediator-Related Disease)
13	03/07/95	Delflache Ex. 16: F&J 02721 – F&J 02728	Examiner's Office Action (John Kim) re Serial No. 08/271,136 (Lee) Art Unit: 1306
14	06/09/95	Delflache Ex. 17: F&J 02730 – F&J 02738	Amendment and Response Under 37 C.F.R. § 1.111 re Serial No. 08,271,136
15	09/12/95	Delflache Ex. 18: F&J 02744 – F&J 02748	Second Office action re Serial No. 08,271,136
16	01/17/96	Delflache Ex. 19: F&J 02752 – F&J 02756	Amendments and Response Under 37 C.F.R. § 1.112 re Serial No. 08/271,136
17	04/16/96	Delflache Ex. 20: F&J 02761 – F&J 02764	Third Office Action re Serial No. 08/271,136
18	01/13/96	Delflache Ex. 21: F&J 02772 – F&J 02791	Declaration of Dr. Patrice Lee Under 37 C.F.R. 1.132 & attached CV
19	07/15/96	Delflache Ex. 22: F&J 02807 – F&J 02813	Notice of Allowability re Serial No. 08/271,136 with attached Examiner Interview Summary Record
20	07/15/96	Delflache Ex. 23: F&J 02802 – F&J 02805	Communication form from Examiner allowing Claims 1-8 re Serial No. 8/271,136
21	11/05/96	Delflache Ex. 24: F&J 00739 – F&J 00749	U.S. Patent No. 5,571,418 (Lee, et al) – Hemofiltration of Toxic Mediator-Related Disease (App. No. 271,136)
22	08/23/93	Delflache Ex. 26: F&J 00402 – F&J 00727	F&J Patent File – Sarah Brashears-Macatee's patent file materials re Pediatric Critical Care Associates – Serial No. 08/109,750
23	10/00/94	Brashears Ex. 26	USPTO certificate of Sarah Brashears-Macatee

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
24	01/12/96	Brashears Ex. 27	Amendments and Response Under 37 C.F.R. § 1.112 re Serial No. 08/271,136 Declaration of Dr. Patrice Lee Under 37 C.F.R. § 1.132 (01/17/96)
25	01/21/02	Findlay Ex. 1: J&J 0005	E-mail to Kate Georgen, Jennifer Bush, John Findlay, Gregory Harriman from Roy Davis re Immunocept
26	01/25/02	Findlay Ex. 2: J&J 0026 – J&J 0027	E-mail to John Findlay from Harold Walder (TKS) re attached Immunocept Technology Overview outline
27	01/31/02	Findlay Ex. 3: J&J 0665	E-mail to Harold Walder and Douglas Kylander cc: Jennifer Bush and Kate Georgen from John Findlay re Immunocept
28	01/20/02	Findlay Ex. 4: J&J 00686 – J&J 00688	Confidential notes from meeting with Immunocept prepared by John Findlay re Large Pore Hemofiltration Immunomodulation Therapy For Sepsis
29	02/01/02	Findlay Ex. 5: J&J 0103 – J&J 0106	E-mail to Harold Walder, John Findlay, Douglas Kylander, Kate Georgen from Jennifer Bush re attached Project Harold – Business Case Evaluation – First Draft - 02/01/02
30	02/04/02	Findlay Ex. 6: J&J 0138	E-mail to John Findlay from Douglas Kylander cc: Harold Walder, Kate Georgen, Jennifer Bush re Harold IP
31	02/05/02	Findlay Ex. 7: J&J 0150	E-mail to Jennifer Bush, John Findlay, Douglas Kylander from Harold Walder re Project Harold
32	02/06/02	Findlay Ex. 8: J&J 0107 – J&J 0118	E-mail to Harold Walder John Findlay, Kate Georgen, Douglas Kylander from Jennifer Bush re attached Project Harold
33	02/06/02	Findlay Ex. 9, J&J 0661	E-mail to Douglas Kylander, Kate Georgen, Harold Walder, Dr. Gregory Harriman, Jennifer Bush from John Findlay
34	02/06/02	Findlay Ex. 10: J&J 0682 – J&J 0683	Immunocept IP Discussion document - notes prepared by John Findlay
35	02/06/02	Findlay Ex. 11: J&J 0659	E-mail to Hal Woodrow and Harold Walder from John Findlay re Project Harold IP
36	02/08/02	Findlay Ex. 12: J&J 0681	Immunocept – David Radunsky Discussion notes (02/08/02) prepared by John Findlay

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
37	02/12/02	Findlay Ex. 13: J&J 0656	E-mail to Harold Walder, Douglas Kylander, Kate Georgen, Jennifer Bush, Hal Woodrow from John Findlay re Project Harold Status Update
38	02/05/02	Findlay Ex. 14: J&J 0908 – J&J 0909	Table of Immunocept IP (re Harold's IP filings) prepared by John Findlay
39	02/12/02	Findlay Ex. 15: J&J 0906 – J&J 0907	Project Harold Status Update – Technology, Intellectual Property and Competition Issues – prepared by John Findlay
40	02/22/02	Findlay Ex. 16: J&J 0652	E-mail to Jennifer Bush, Harold Walder, Hal Woodrow from John Findlay cc: Kate Georgen, Douglas Kylander, Dr. Gregory Harriman re two slides dealing with the Opinion Leaders and IP (Project Harold presentation)
41	02/25/02	Findlay Ex. 17: J&J 0850 – J&J 0865	Project Harold – Business Case Evaluation (02/25/02)
42	03/01/02	Findlay Ex. 18: J&J 0915 – J&J 0919	Project Harold – Diligence Update (03/01/02)
43	03/08/02	Findlay Ex. 19: J&J 0001 – J&J 0002	E-mail to John Findlay and Hal Woodrow from Harold Walder re Davidner Patent '681 (pre-dilution hemofiltration)
44	03/11/02	Findlay Ex. 20: J&J 0006 – J&J 0007	E-mail to John Findlay and Hal Woodrow from Harold Walder re Patent '681
45	03/06/02	Findlay Ex. 21: J&J 0208 – J&J 0209	Summary of notes from Rinaldo Bellomo Discussion with Harold Walder & John Findlay – prepared by John Findlay
46	03/21/02	Findlay Ex. 22: J&J 0134	E-mail to John Findlay from Harold Walder re Project Harold
47	03/28/02	Findlay Ex. 23: J&J 0888 – J&J 0898	Draft presentation materials – IP Update
48	04/11/02	Findlay Ex. 24: J&J 0785 – J&J 0790	Fax to Harold Walder, John Findlay, and Hal Woodrow from David Radunsky forwarding letter to Harold Walder from David Radunsky re '418 patent –attached Memorandum Discussing Certain Aspects of US Patent 5,571,418 (04/09/02)

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
49	04/02/02	Findlay Ex. 26: J&J 0151	E-mail to Roy Davis from Harold Walder cc: Jennifer Bush, John Findlay, Kate Georgen, Dr. Gregory Harriman, Douglas Kylander, Matthew Taylor, Hal Woodrow re: technology recommendation
50	01/23/02	Findlay Ex. 27: J&J 0383	Letter to Harold Walder (Therakos) from Thomas Felger (BB) forwarding copies of the issued patents and patent applications re Hemofiltration
51	02/08/02	Findlay Ex. 28: IM 010189	E-mail to James Matson from David Radunsky re Wall Street Journal article
52	06/26/03	Findlay Ex. 29: IM 015480 – IM 015481	Letter to John Findlay from James Matson cc: Harold Walder re concerns about '418 patent
53		Findlay Ex. 30: J&J 0899 - J&J 0905	Portion of presentation
54	11/14/02	Matson Ex. 70: IM 009636 – IM 009637	Letter to Patti (Patrice Lee) from James Matson re project status
55	12/13/00	Matson Ex. 71: IM 021108 – IM 021110	Immunocept, LLC Report to Shareholders
56	10/25/00	Matson Ex. 72: IM 040883 – IM 040884	Letter to Joseph P. Minei, M.D. from James Matson, M.D. re status of filtration project and review of materials
57	04/00/01	Matson Ex. 73: IM 012824	Immunocept, LLC – Strategy for Development of the CytoFlux Project (100 to 150 kD Hemofiltration for Sepsis
58	05/16/01	Matson Ex. 74: IM 026277	E-mail to Laurent Duhoux from David Radunsky cc: James Matson re Large Hemofiltration for Septic Shock
59	07/01/98	Matson Ex. 75: IM 011625 – IM 011627	James Matson, MD's Phone Log – communications with American ImmunoTech (Allen Davidner, Kim Walker)
60	10/28/02	Matson Ex. 76: IM 041257 – IM 041260	E-mail to David Radunsky from Robert Pryor re Immunocept Status Report
61	02/28/02	Matson Ex. 78: IM 020688	Letter to John Findlay from James Matson, M.D. re conversation with Professor Andrew Zydney

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
62	03/02/02	Matson Ex. 80: IM 041873 – IM 041875	Immunocept, LLC – Supplementary Status Report by David Radunsky
63	04/09/02	Matson Ex. 81: IM 036425 – IM 036428	Memorandum Discussing Certain Aspects of US Patent 5,571,418 (prepared by David Radunsky)
64	06/20/03	Matson Ex. 82: IM 009814	E-mail to James Matson from James Matson re draft letter to Professor Jerry White re White Message
65	06/24/03	Matson Ex. 83: IM 036402 – IM 036403	Letter to Harold Walder from James Matson cc: John Findlay re Immunocept Sepsis Filter market...)
66	04/18/02	Matson Ex. 84: IM 004168 – IM 004170	E-mail to Harold Walder from David Radunsky cc: James Matson, M.D. re confirming fax of Memorandum sent re evaluation of patent
67	06/08/02	Matson Ex. 85: IM 026012	Letter to Rinaldo Bellomo from James Matson, M.D. re Johnson & Johnson's position
68	03/03/99	Matson Ex. 87: IM 042989 – IM 042990	Chart re status of Immunocept projects
69	10/11/93	Matson Ex. 88: F&J 01776 – F&J 01779	F&J Billing Records Summary for Sarah Brashears-Macatee for Pediatric Critical Care case (10/11/93 – 07/16/96)
70	01/12/96	Matson Ex. 89: F&J 00824 – F&J 00828	Amendments and Response Under 37 C.F.R. § 1.112
71	03/10/00	Matson Ex. 90: IM 011304	Notes on Quantitative Flow Dividing Device – Prepared by James Matson, M.D.
72	07/19/96	Matson Ex. 91: F&J 00949	F&J Memorandum to File from Sally Brashears re File Status – Office Action mailed 07/08/96
73	03/11/97	Matson Ex. 92: IM 037020 – IM 037024	Fax to James Matson, M.D. from Richard Goldhaber (Minntech) re attached letter re proposal
74	05/05/97	Matson Ex. 93: IM 006405 – IM 006408	Letter to Richard Goldhaber (Minntech) from James Matson

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
75	10/27/98	Matson Ex. 94: IM 008180 – IM 008181	Letter to Professor Jerry White (SMU) from James Matson, M.D. re dinner meeting with representatives of Baxter, Minntech, and BioScience
76	11/07/02	Matson Ex. 95: IM 015640 – IM 015641	E-mail to James Matson, M.D. from Mike Smith (Minntech) cc: Lorna Anderson, Randy Wenthold, R. Malkin (Minntech) re Minntech issues re Immunocept
77	05/01/03	Matson Ex. 96: IM 009510 – IM 009511	Letter to Michael Cahr from James Matson re Minntech - attached e-mail to James Matson from Michael Cahr re: Minntech with phone log entry
78	08/17/93	Matson Ex. 97: F&J 00656 – F&J 00662	Fax to Ronald Bliss (F&J) from James Matson, M.D. forwarding letter re summation of BioScience Research Associates' rationale, business plan, and options
79	08/30/93	Matson Ex.98: F&J 00636 – F&J 00638	Letter to James Matson, M.D. from Ronald Bliss (F&J) re attached revised draft letter to Don Stewart (President, Medical City Dallas Hospital)
80	05/05/04	Matson Ex. 99: IM 013286 – IM 013287	E-mail to James Matson from Robert Motion re comments from investors
81	06/15/99	Matson Ex. 100: IM 009318 – IM 09319	Letter to Thomas Felger (BB) from James Matson, M.D. re developing IP interests
82	01/02/98	Matson Ex. 101: IM 006329	Letter to Darryl Burke (Worsham, Forsythe, Wooldridge, LLP) from James Matson, M.D. re US Patent 5,571,418 and follow-up patents materials for review
83	06/16/94	Lee Ex. 102: F&J 00474 – F&J 00477	Letter to Patrice Lee and James Matson from Sarah Brashears-Macatee re Combined Declaration and Power of Attorney and Verified Statement of Small Entity Status for review and execution
84	09/25/95	Lee Ex. 103: F&J 01022 – F&J 01023	Letter to Patrice Lee from Sarah Brashears-Macatee re recent Office Action rejecting claims
85	12/12/95	Lee Ex. 104: F&J 01021	Letter to Patrice Lee from Sarah Brashears-Macatee cc: James Matson, M.D. forwarding another copy of 09/25/95 letter, copy of the Office Action and the Nose' and Okamoto references

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
86	04/29/96	Lee Ex. 105: F&J 00814 – F&J 00818	F&J Memorandum to Sally Macatee from Linda Bourg re Pediatric Critical Care – Serial No 08/271,136 - Final Office Action mailed (04/16/96) (attached) and Response due (07/16/96)
87	10/14/98	Lee Ex. 106: IM 036619 – IM 036622	E-mail to James Matson, M.D. from Patrice Lee re attached Preliminary Agenda for Baxter/ Minntech/ BSRA Meeting on 10/25/98 in Philadelphia, PA
88	11/28/93	Lee Ex. 107: IM 043106 – IM 043110	Outline and rationale for Baboon E. coli Study by Patrice A. Lee, Ph.D. and James R. Matson, M.D.
89		Lee Ex. 108: IM 006214 – IM 006219	BSRA (BioScience Research Associates) Business Plan
90		Lee Ex. 109: IM 006466 - IM 006467	Document entitled, "What We Want"
91	09/01/87	Lee Ex. 110: IM 036312 – IM 036317	U.S. Patent No. 4,690,758 (Leonard, et al) Mass Transfer Device – Abstract
92	01/31/02	Kylander Ex. 111: J&J 0665 – J&J 0688	E-mail to Harold Walder, Douglas Kylander cc Jennifer Bush, Georgen Kate from John Findlay
93	01/31/02	Kylander Ex. 112: J&J 0012 – J&J 0023	E-mail to Jennifer Bush, Harold Walder, Kate Georgen from Douglas Kylander cc: John Findlay re Immunocept
94	02/01/02	Kylander Ex. 116: J&J 0125	E-mail to Jennifer Bush, Harold Walder, John Findlay, Douglas Kylander from Kate Georgen
95	02/01/02	Kylander Ex. 117: J&J 0103 – J&J 0106	E-mail to Harold Walder, Jennfider Bush, Douglas Kylander, Kate Georgen from Jennifer Bush re attached Project Harold
96	02/01/02	Kylander Ex. 118: J&J 0215 – J&J 0232	Project Harold – Business Case Evaluation – First Draft (02/01/02)
97	02/06/02	Kylander Ex. 119: J&J 0107 – J&J 0118	E-mail to Harold Walder, John Findlay, Kate Georgen, Doug Kylander from Jennifer Bush

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
98	02/06/02	Kylander Ex. 120: J&J 0661	E-mail to Douglas Kylander, Kate Georgen, Harold Walder, Dr. Gregory Harriman, Jennifer Bush from John Findlay
99	02/06/02	Kylander Ex. 121: J&J 00659; J&J 0682 – J&J 0683	E-mail to Hal Woodrow and Harold Walder from John Findlay
100	02/12/02	Kylander Ex. 122: J&J 0656; J&J 0906 – J&J 0909	E-mail to Harold Walder, Douglas Kylander, Kate Georgen, Jennifer Bush, Hal Woodrow from John Findlay
101	02/14/02	Kylander Ex. 123: J&J 0655; J&J 0920 – J&J 0928	E-mail to Jennifer Bush, Harold Walder, John Findlay, Kate Georgen from Doug Kylander
102	02/19/02	Kylander Ex. 124: J&J 0098 – J&J 0102	E-mail to John Findlay, Doug Kylander, Kate Georgan, Harold Walder Dr. Gregory Harriman from Jennifer Bush
103	02/25/02	Kylander Ex. 125: J&J 0850 – J&J 0865	Project Harold – Business Case Evaluation (02/25/02)
104	03/01/02	Kylander Ex. 126: J&J 0915 – J&J 0919	Project Harold – Diligence Update (03/01/02)
105	03/28/02	Kylander Ex. 127: J&J 0888 – J&J 0898	Draft presentation materials – IP Update
106	03/29/02	Kylander Ex. 128: J&J 0648; J&J 1357 – J&J 1358	E-mail to Jennifer Bush from Doug Kylander
107	04/11/02	Kylander Ex. 129: J&J 0785 – J&J 0790	Fax to Harold Walder, John Findlay, and Hal Woodrow from David Radunsky forwarding letter to Harold Walder from David Radunsky re '418 patent claim interpretation – attached Memorandum Discussing Certain Aspects of US Patent 5,571,418 (04/09/02)

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
108	04/02/02	Kylander Ex. 132: J&J 0151	E-mail to Roy Davis from Harold Walder cc: Jennifer Bush, John Findlay, Kate Georgen, Dr. Gregory Harriman, Douglas Kylander, Matthew Taylor, Hal Woodrow re: technology recommendation
109	02/04/02	Kylander Ex. 133: J&J 0121	E-mail to Doug Kylander, John Findlay from Harold Walder cc: Kate Georgen and Jennifer Bush
110	03/17/97	Kylander Ex. 134: IM 005250 – IM 005251	Fax to Ronald Hartmann, Esq. from James Matson, M.D. re Pricing Schedule for Sepsis Filters (Minntech)
111	10/28/98	Kylander Ex. 136: IM 008182 – IM 008183	Letter to Professor Jerry White (SMU) from James Matson re: next steps and forwarding presentation from Baxter meeting (not attached)
112	02/12/02	Woodrow Ex. 138: J&J 0657; J&J 0910 – J&J 0914	E-mail to Hal Woodrow from John Findlay cc: Harold Walder re Harold Related IP summary chart
113	02/27/02	Woodrow Ex. 139: IM 008296	E-mail to David Radunsky , James Matson from John Findlay re schedule a technical conference call with Dr. Greg Harriman (Therakos)
114	01/23/02	Woodrow Ex. 140: J&J 0383	Letter to Harold Walder (Therakos) from Thomas Felger (BB) forwarding copies of the issued patents and patent applications re Hemofiltration
115	02/22/02	Woodrow Ex. 141: J&J 0652	E-mail to Jennifer Bush, Harold Walder, Hal Woodrow from John Findlay cc: Kate Georgen, Douglas Kylander, Dr. Gregory Harriman re Project Harold presentation (not attached)
116	03/26/02	Woodrow Ex. 142: IM 031643 – IM 031645	Baker Botts (Tom Felger) invoice to Immunocept (David Radunsky) for patent work up to 02/28/02
117	03/03/02	Woodrow Ex. 143: IM 041873 – IM 041875	Immunocept, LLC – Supplementary Status Report by David Radunsky

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
118		Woodrow Ex. 144: IM 009833 – IM 009834	Letter to Andrew Zydney, Ph.D. from James Matson re Johnson & Johnson (Therakos) current position in evaluating the Immunocept project
119	03/07/02	Woodrow Ex. 145: IM 008626 – IM 008627	E-mail to James Matson from Harold Walder re US Patent 6,193,681
120	02/27/01	Woodrow Ex. 146: J&J 0716 – J&J 0727	U.S. Patent 6,193,681 (Davidner, et al)
121	03/08/02	Woodrow Ex. 147: J&J 0001 – J&J 0002	E-mail to John Findlay from Harold Walder re Davidner patent '681
122	06/26/03	Woodrow Ex. 148: J&J 0003 – J&J 0004	E-mail to Harold Walder from John Findlay, Hal Woodrow cc: Matthew Taylor re Immunocept, LLC and discussions with Therakos
123	03/04/02	Woodrow Ex. 149: IM 025198	E-mail to David Radunsky from Andrew Zydney cc: James Matson re Scientific Advisory Board
124	03/05/05	Woodrow Ex. 151: J&J 0128 – J&J 0129	E-mail to James Matson from John Findlay from Harold Walder cc: Rinaldo Bellomo, David Radunsky re Phone call to Dr. Bellomo
125	03/07/02	Woodrow Ex. 152: J&J 0120; J&J 0208 – J&J 0209	E-mail to John Findlay from Harold Walder re Rinaldo Bellomo Discussion with J. Findlay and H. Walder Notes
126	03/21/02	Woodrow Ex. 153: J&J 0134	E-mail to John Findlay and Harold Walder re Project Harold
127	03/21/02	Woodrow Ex. 154: J&J 0651; J&J 0671	E-mail to Harold Walder, Dr. Gregory Harriman, Douglas Kylander, Kate Georgen, Hal Woodrow from John Findlay re attached summary of the complete data in the Morgera poster presentation (summary prepared by John Findlay on 02/22/02)

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
128	01/21/02	Walder Ex. 155: J&J 0005	E-mail to Kate Georgen, Jennifer Bush, John Findlay, Gregory Harriman from Roy Davis re Immunocept
129	01/25/02	Walder Ex. 156: J&J 0026 – J&J 0027; J&J 00204 – J&J 00207	E-mail to John Findlay from Harold Walder (TKS) re attached Immunocept Technology Overview outline and detailed Immunocept Technology Summary to previous outline
130	02/08/02	Walder Ex. 164: J&J 0658; J&J 0681	E-mail to Harold Walder from John Findlay re Project Harold forwarding Immunocept – David Radunsky Discussion notes (02/08/02) prepared by John Findlay
131	02/19/02	Walder Ex. 165: J&J 0843 – J&J 0849	Project Harold – Business Case Evaluation
132	03/01/02	Walder Ex. 166	E-mail to Andrew Zydney from David Randunsky cc: James Matson, John Findlay, Harold Walder re Immunocept conference call on Monday with Therakos representatives (Harold Walder and John Findlay)
133	05/17/02	Walder Ex. 168: J&J 0137; J&J 0138	E-mail to John Findlay, Hal Woodrow, Doug Kylander, Jennifer Bush from Harold Walder cc: Matthew Taylor re Steroids for Sepsis WSJ article (Xigris) (not attached); E-mail to John Findlay from Douglas Kylander cc: Harold Walder, Kate Georgen, Jennifer Bush re Harold IP Evaluation presentation
134	06/24/03	Walder Ex. 170: IM 015482 – IM 015483	Letter to Harold Walder from James Matson cc: John Findlay re Immunocept Sepsis Filter
135	11/14/02	Radunsky Ex. 70: IM 09636 – IM 09637	Letter to Patti (Patrice Lee) from James Matson re project status –Minntech (Cantel)
136	12/13/00	Radunsky Ex. 71: IM 021108 – IM 021110	Immunocept, LLC Report to Shareholders
137	10/25/00	Radunsky Ex. 72: IM 040883 – IM 040884	Letter to Joseph P. Minei, M.D. from James Matson, M.D. re status of filtration project and review of materials

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
138	04/00/01	Radunsky Ex. 73: IM 012824	Immunocept, LLC – Strategy for Development of the CytoFlux Project (100 to 150 kD Hemofiltration for Sepsis
139	03/02/02	Radunsky Ex. 80: IM 041873 – IM 041875	Immunocept, LLC – Supplementary Status Report by David Radunsky
140	04/09/02	Radunsky Ex. 81: IM 036425 – IM 036428	Memorandum Discussing Certain Aspects of US Patent 5,571,418 (prepared by David Radunsky)
141	11/23/05	Radunsky Ex. 180	Defendant' s Notice of Intention to Take the Oral and Videotaped Deposition of The Corporate Representative of Immunocept, LLC
142	02/04/99	Radunsky Ex. 181: IM 028321	James Matson Phone Log of conversation with Kirk Brunson re Radunsky Reference Check
143	02/02/99	Radunsky Ex. 182: IM 028324	James Matson Phone Log of conversation with Tom Felger (BB) re Radunsky Reference Check
144	11/16/99	Radunsky Ex. 183: IM 04366	Immunocept, LLC - Irrevocable Proxy executed by Robert Pryor
145	11/16/99	Radunsky Ex. 184: IM 004365	Immunocept, LLC - Irrevocable Proxy executed by David Radunsky
146	11/16/99	Radunsky Ex. 185: IM 004367	Immunocept, LLC - Irrevocable Proxy executed by Patrice A. Lee
147	2000-2001	Radunsky Ex. 186: IM 006944 – IM 006976	Immunocept, LLC – Devices for Immune System Control – Business Plan (2000-2001)
148	03/30/04	Radunsky Ex. 187: IM 016358 – IM 016404	Immunocept, LLC – Business Plan (2004)
149	12/07/05	Radunsky Ex. 188: IM 048881 – IM 048884	Spreadsheet re information about ownership of interests in Immunocept (prepared by David Radunsky and James Matson)
150	09/25/03	Radunsky Ex. 189: IM 013240 – IM 013243	History of Immunocept, LLC (internal document)

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
151	11/14/00	Radunsky Ex. 190: IM 009472 – IM 009473	Letter to Rinaldo Bellomo from James Matson re questions, update and SBIR status
152	03/06/00	Radunsky Ex. 191: BB 01395 – BB 01398	Baker Botts' Time Summaries spreadsheet (03/06/00 – 03/26/02)
153	04/11/02	Radunsky Ex. 192: IM 015408 – IM 015409	Letter to Harold Walder from David Radunsky re '418 patent claim interpretation
154	01/07/03	Radunsky Ex. 193: IM 046668	Phone log - conversation with Minntech (Mike Smith, Lorna Anderson, Randy Wenthold and Immunocept (James Matson & David Radunsky)
155	07/00/05	Radunsky Ex. 194A: IM 015164 – IM 015165	E-mail from Louis Cullman (Chip) (attorney for HemoLife) to Tom Felger (BB)
156	01/23/04	Radunsky Ex. 195: IM 016117 – IM 016147	Preliminary Venture Assessment forms for Immunocept, LLC for CytoFlux – hemofilter for sepsis
157	02/21/02	Radunsky Ex. 196: J&J 0964 – J&J 0970	Letter to John Findlay from James Matson, M.D. re attached Dr. Morgera's abstract and poster
158	07/24/03	Radunsky Ex. 197: IM 017494	Letter to Patrice Lee (Patti) from James Matson, M.D. re update on Minntech negotiations and David Radunksy
159	02/07/01	Radunsky Ex. 198: IM 017956 – IM 017959	Letter to David Radunsky from Tom Felger (BB) re Patent Application Strategy for provisional patent applications listed
160	06/17/99	Felger Ex. 196: BB 000282 – BB 000285	Letter Agreement between James Matson, MD and Jerry Mills (BB) re retention agreement with Baker Botts
161	02/08/02	Felger Ex. 197: BB 000005 – BB 000006	E-mail to David Randunsky from Tom Felger cc: Katie Carnes, Kate Musemeche re Immunocept and J&J

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
162	02/06/02	Felger Ex. 198: BB 000485 – BB 000486	E-mail to Kate Musemeche from Tom Felger cc: Katie Carnes re Top priority – '418 patent file wrapper for John Findlay (J&J) and patent history and application questions
163	08/04/99	Felger Ex. 199: IM 032243 – IM 032244	Letter to James Matson, MD from Tom Felger (BB) re recap of meeting with David Radunsky and Matson and attached list of patent references contained in each file discussed at meeting
164	10/06/99	Felger Ex. 200: IM 031496 – IM 031502	Baker Botts Invoice for time billed to BioScience Research Associates file (services through 08/31/99)
165	03/29/00	Felger Ex. 201: IM 031476 – IM 031482	Baker Botts Invoice for time billed to James Matson, M.D. – Immunocept, LLC file (services through 02/28/00)
166	01/03/01	Felger Ex. 202: IM 032262 – IM 032265	Letter to David Radunsky from Tom Felger (BB) cc: Adam Stroud re Contributory Infringement and Inducement
167	03/04/02	Felger Ex. 203: IM 008283 – IM 008284	E-mail to David Radunsky from Tom Felger cc: James Matson, M.D. re patent law – '418 patent and J&J
168	02/26/02	Felger Ex. 204: BB000004	E-mail to David Radunsky, Tom Felger from John Findlay re conference call on 02/27/02 – other participants – Hal Woodrow, Harold Walder
169	09/13/00	Felger Ex. 205: BB 000037	E-mail to Tom Felger from Esmarie Garland re David Radunsky's Immunocept Project
170	02/07/02	Felger Ex. 206: BB 000487 – BB 000489	E-mail to David Radunsky from Tom Felger cc: Katie Carnes, Esmarie Garland re file history for the '418 patent
171	04/07/03	Malackowski Ex. 209: IM 015632 – IM 015638	E-mail from Mike Smith (Minntech) to James Matson cc: Randy Wenthold (Minntech) and Lorna Anderson (Minntech) re Review of Immunocept data
172	02/16/00	Malackowski Ex. 210: IM 015632 – IM 015638	Abstract - *Hemofiltration in Sepsis: Where Do We Go From Here?*, by John Kellum and Rinaldo Bellomo

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
173	05/19/95	MacPherson Ex. 215: F&J 01040 – F&J 01050	Letter from Patrice Lee to Sarah Brashears-Macatee re responses to Office Action dated 03/03/95
174	10/17/89	MacPherson Ex. 215: F&J 01040 – F&J 01050	U.S. Patent No. 4,874,522 (Okamoto, et al)
175	03/27/03	IM 037239 – IM 037243	Summary Statement for James Matson, MD (Immunocept, LLC) reviewed and critiqued by the Center for Scientific Review Special Emphasis Panel re: Large Pore Hemofiltration as Therapy for Septic Shock (Application No. 1 R43 HL074527-01)
176	11/26/02	IM 037413 – IM 037448	Department of Health and Human Services Public Health Services Grant Application re: Large Pore Hemofiltration as Therapy for Sepsis and Septic Shock – James Matson (Immunocept, LLC)
177	12/07/00	IM 037571 – IM 037589	Large Pore Hemofiltration as Therapy for Septic Shock – SBIR Phase II – Clinical Research Plan – James Matson, M.D.
178	04/20/01	IM 037630 – IM 037641	Letter to James Matson, MD from Elizabeth Patterson re: Notification of Scientific Review Action and Summary Statement re: Large Pore Hemofiltration as Therapy for Septic Shock (Application No. 1 R44 DK60357-01)
179	11/30/00	IM 037653 – IM 037681	Letter to Center for Scientific Review National Institutes of Health from David Radunsky (Immunocept) re Phase I SBIR Grant Application – Fast Track re Large Pore Hemofiltration as Therapy for Septic Shock – James Matson, M.D.
180	11/30/00	IM 037686 – IM 037730	Letter to Center for Scientific Review National Institutes of Health from David Radunsky (Immunocept) re Phase II SBIR Grant Application – Fast Track re Large Pore Hemofiltration as Therapy for Septic Shock – James Matson, M.D.
181	09/11/01	------	Patent No. 6,287,516 B1 (Matson, et al) – Hemofiltration Systems, Methods, and Devices Used to Treat Inflammatory Mediator-Related Disease
182	05/04/04	-----	Patent No. 6,730,266 B2 (Matson, et al) – Hemofiltration Systems, Methods, and Devices Used to Treat Inflammatory Mediator-Related Disease

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
183	09/07/04	-----	Patent No. 6,787,040 B2 (Radunsky, et al) – Method and System for Colloid Exchange Therapy
184	05/18/04	-----	Patent No. 6,736,972 B1 (Matson) – Method and System for Providing Therapeutic Agents with Hemofiltration for Reducing Inflammatory Mediator Related Diseases
185	03/26/02	BB 01399 – BB 01401	Baker Botts' invoice to David Radunsky (Immunocept)
186	1/16/01	IM 009736	Letter to David Radunsky from James Maston re executive summary
187	04/30/03 & 05/01/03	IM 015628	Minntech Phone Log re valuation of Immunocept
188		IM 012832 – IM 012835	Presentation materials – Immunocept, LLC re Sepsis statistics
189	09/04/03	IM 014505 – IM 014506	E-mail from James Matson to Bob ____ re meeting and FDA
190	11/19/99	IM 004226 – IM 004246	Regulations of Immunocept, LLC
191	07/10/01	IM 008717 – IM 008718	E-mail from Larent Duhoux to James Matson and cc: David Radunsky re Large Pore 100 kD Membrane by Gambro
192	06/19/01	IM 009749 – IM 009750	Letter to David Radunsky from James Matson re Draft Bellomo letter
193	06/06/03	IM 020590 – IM 020592	Immunocept Telephone Meetings – summary of discussion between James Matson and Ms. Thibeault and James Matson and Jerry White re Regulatory status (FDA) and business status
194	04/30/03 & 05/01/03	IM 015628	Minntech Phone Log -(re: valuation of Immunocept) (Mike Smith & Mr. Malkin)
195	12/16/01	IM 009736	Letter to David Radunsky from James Matson re new Executive Summary from the Capital Network
196	09/06/83	BB 000419 – BB 000428	U.S. Patent No. 4,402,940 (Nose, et al)
197	10/17/89	BB 000429 – BB 000438	U.S. Patent No. 4,874,522 (Okamoto, et al)
198	10/30/90	BB 000439 – BB 000451	U.S. Patent No. 4,966,709 (Nose', et al)
199	02/22/02	J&J 0963 – J&J 0970	Fax to Harold Walder (J&J) from John Findlay (Ortho Clinical Diagnostics- J&J) forwarding Dr. Morgera's poster text and abstract
200	09/21/00	BB 000524	Letter to David Radunsky from Tom Felger

EXH. No.	DATE	SOURCE: DEPO/BATES NOS.	DESCRIPTION
201	08/04/99	BB 000548	Letter to James Matson from Tom Felger re meeting with Matson and David Radunsky on 07/30/99
202	01/00/01	IM 009459 – IM 009460	Letter to Edward Abraham, M.D. and Rinaldo Bellomo, M.D.
203	04/04/03	IM 046877 – IM 046880	Letter to All Shareholders from James Matson and David Radunsky
204		F&J 00728 – F&J 01064	F&J Patent File
205		MT 00001 – MT 00384	Minntech documents